



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-5000

25 June 2013

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Mark Udall
United States Senate
328 Hart Senate Office Building
Washington, DC 20510

Dear Senators Wyden and Udall:

Thank you for your letter dated 24 June 2013. After reviewing your letter, I agree that the fact sheet that the National Security Agency posted on its website on 18 June 2013 could have more precisely described the requirements for collection under Section 702 of the FISA Amendments Act. This statute allows for "the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information." 50 U.S.C. 1881(a). The statute provides several express limitations, namely that such acquisition:

- (1) may not intentionally target any person known at the time of acquisition to be located in the United States;
- (2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States;
- (3) may not intentionally target a United States person reasonably believed to be located outside the United States;
- (4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States; and
- (5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States. 50 U.S.C. 1881(b).

With respect to the second point raised in your 24 June 2013 letter, the fact sheet did not imply nor was it intended to imply "that NSA has the ability to determine how many American communications it has collected under section 702, or that the law does not allow the NSA to deliberately search for the records of particular Americans." As you correctly state, this point has been addressed publicly. I refer you to unclassified correspondence from the Director of National Intelligence dated 26 July 2012 and 24 August 2012.

NSA continues to support the effort led by the Office of the Director of National Intelligence and the Department of Justice to make publicly available as much information as possible about recently disclosed intelligence programs, consistent with the need to protect national security and sensitive sources and methods.

A handwritten signature in dark ink, appearing to read 'K B Alexander', is positioned above the printed name.

KEITH B. ALEXANDER
General, U.S. Army
Director, NSA/Chief, CSS

Copies Furnished:

The Honorable Dianne Feinstein
Chairman, Select Committee on Intelligence

The Honorable Saxby Chambliss
Vice Chairman, Select Committee on Intelligence